

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

MICHAEL KULAKOWSKI,

Plaintiff,

vs.

WESTROCK SERVICES, INC.,

Defendant.

Case Number: 3:16-CV-02510

**Judge Waverly D. Crenshaw, Jr.
Magistrate Judge Alistair Newbern**

DECLARATION OF MICHAEL WHITE

1. My name is Michael White. I am over 18 years of age and the information contained in this declaration is from my own personal knowledge.

2. I have been employed by WestRock Services, Inc. ("WestRock") and its predecessors for 25 years. I am currently working in the role of Superintendent/Safety Manager in Gallatin, Tennessee. I report directly to the Plant Manager. Currently, Keith Hall is the Plant Manager. Prior to Keith, it was Larry Eden.

3. Until August 2016, William "Tommy" Whited was the General Manager at the Gallatin, Tennessee facilities. When Tommy was the General Manager, we had a large temporary work force. The staffing agency had an on-site manager at the facility for the temporary employees. We had a limited number of actual WestRock employees. I believe there were approximately 15 at the fulfillment center in Gallatin, Tennessee.

4. Michael Kulakowski ("Michael") has worked at the company for years. I consider Michael to be one of my best friends. Michael has a bit of a sensitive personality. He gets nervous

and aggravated easily when things don't go his way or something bothers him. He can get worked up very quickly and can tend to blow things out of proportion.

5. Throughout my years with WestRock, I have received copies of the employee handbook. The handbooks are distributed to the employees and they keep a copy. For many years, the employee handbook has included an anti-harassment policy, anti-violence policy and Code of Conduct. It has also included a Compliance Hotline that employees can use to make complaints to the corporate office. The Compliance Hotline information is also posted on the bulletin board. It has been posted there for several years.

6. I've also received training with respect to discrimination and harassment over the years. We have annual computer training on those types of topics. From time to time, Human Resources would also come to the facility to provide training for everyone on harassment and the Code of Conduct. Reports of harassment or Code of Conduct violations can be made through the Compliance Hotline. If I witnessed sexual harassment or someone complained to me about sexual harassment, I would use the Compliance Hotline to report it.

7. Tommy could sometimes be a difficult boss. He wanted operations at the facility to be conducted his way and would get mad when people did things a different way. He could get loud and intimidating when employees did not do their jobs the way he wanted them done. When this happened, he would be quick to say he would fire people. However, from what I observed, these were empty threats.

8. Like I said, Michael would tend to take things out of proportion. When Tommy was in his moods and upset about things in the shipping office, Michael would think Tommy was picking on him. I did not think Tommy was going out of his way to pick on Michael. He was

usually just mad about something that had happened in the shipping department, where Michael worked.

9. While I did not care for Tommy's bad moods, I did not make any reports about his carrying on when he was upset. I did not think it would do any good because different people manage in different ways. I don't know that someone threatening to fire people when they do not do the job the way the General Manager wants it done is something that necessarily needs to be reported. Tommy's management style was pretty successful because a lot of employees, myself included, respected him for the success he brought the facility.

10. Tommy fancied himself a ladies man. He liked women and being in relationships with women. He would complement women quite a bit and was a bit flirtatious with them.

11. I think Tommy liked to consider himself "one of the guys" with the long term WestRock employees. He tried to cut up and joke around with them when he was in a good mood. He would also engage in horseplay with them. Tommy would roughhouse with some of the guys that had been around a long time. He would hit them in the arm and crack jokes. There were a couple of guys Tommy would back hand flick in the groin area. Some of the guys would hit Tommy back. I never saw Tommy do this in an angry state and it did not appear to me that he was trying to hurt anyone. He appeared to be just playing around with employees he had worked with for a long time. I did not see him do this with any newer employees or any temporary employees. He only seemed to do it with the guys he was friendly with.

12. I saw Tommy back hand flick Michael in the groin a handful of times over the years. Tommy doing this was a violation of the Code of Conduct. The Code of Conduct prohibited horseplay. Corporate management would never expect a General Manager to hit an employee in the groin. Tommy was horsing around but he did not appear to be acting maliciously. Tommy

never seemed angry or mad at Michael when he did this. He seemed to be joking around with Michael. I remember Michael laughing along with Tommy some of the times he hit him. I thought Tommy and Michael were friends and just goofing around.

13. I do not recall Michael ever complaining to me specifically about Tommy hitting him. He would comment in general that Tommy was “picking on him” but I do not recall him ever referencing anything specific Tommy did.

14. Michael and Tommy both used cuss language in the workplace. Michael would use terms like “mother fucker,” “son of a bitch,” and “shit.” Tommy would also cuss. He cussed on the floor and in meetings in front of both men and women. I did, on one occasion, hear Tommy tell Michael “suck my dick” but the context of this was not actually a request for oral sex. Michael had asked Tommy a question and Tommy responded with the phrase in a manner of saying “no” similar to someone saying “when hell freezes over.” Tommy’s context would have been clear to anyone who heard the whole conversation.

15. I have been informed that Michael is now suing WestRock claiming Tommy sexually harassed him. I did not witness Tommy do anything that I would consider sexual harassment. He definitely played around and engaged in horseplay with Michael but at the time, there was nothing that lead me to believe this was sexual harassment. It appeared Tommy was just goofing around with someone he considered a friend. Michael never complained to me that he thought Tommy was sexually harassing him. If he had, I would have made a report to the corporate office.

16. No one promised me anything or coerced me in any way to make this declaration. No one has put any pressure on me to say or not say anything whatsoever.

17. In accordance with 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Signed this mw day of January, 2018.



Michael White